

## WATER COURT REPORT TO WPIC AND EQC APRIL, 2014

### Status of Interim Decrees

The Water Court issued six Preliminary/Interim Decrees in 2013. These decrees have open objection periods and are currently receiving objections. The table below shows deadlines for objections and the number of objections received as of April 23, 2014.

Basin	Date Preliminary Issued	Original Objection Deadline	Extended Deadline	Extended Deadline	No. of Objections As of 4/23/2014
41A	5/9/2013	11/5/2013	2/3/2014	5/5/2014	103
42A	5/23/2013	11/19/2013	2/14/2014	5/14/2014	1
43N	6/13/2013	12/10/2013	3/10/2014	6/14/2014	5
40I	6/20/2013	12/17/2013	3/17/2014	6/16/2014	17
41B	5/9/2013	11/5/2013	2/3/2014	5/5/2014	146
40F	12/12/2013	6/10/2014			18

**Decrees Issued in 2014:** The Water Court has issued two decrees so far in 2014.

Basin	Date Preliminary Issued	Original Objection Deadline	Extended Deadline	Extended Deadline	No. of Objections As of 4/23/2014
42M	1/24/2014	7/23/2014			24
40EJ	4/25/2014	10/22/2014			

### Initial Decrees remaining to be Issued

There are eight initial decrees remaining to be issued. With present funding and workloads, and assuming continued timely preparation of summary reports by the DNRC, these decrees should be issued before the benchmark deadline of 2020. The Water Court anticipates 50 percent of claims will receive DNRC issue remarks or objections. This percentage is based on historic averages and represents the number of claims forecast for inclusion in court proceedings. Basins without initial decrees are:

- 40T – St. Mary River
- 41L – Cut Bank River
- 41M – Two Medicine River
- 41P – Marias River
- 43P – Bighorn River below Greybull River
- 76HA – Bitterroot River, East side
- 76L – Flathead River below Flathead Lake
- 76LJ – Flathead River including Flathead Lake

### Compacts

WATER POLICY INTERIM  
COMMITTEE. 2013-14

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WC 2013-04 – Bowdoin National Wildlife Refuge Compact. On April 2, 2014, Judge McElyea issued the Preliminary Decree for the Bowdoin Compact. The deadline for objections is October 14, 2014.

### Summary Reports

The Water Court is reviewing the Summary Report in Basin 40T (St. Mary River). The Court plans to issue the decree for basin 40T in May 2014.

### Enforcement Actions for 2014

With the irrigation season about to begin, the Water Court has begun sending water rights tabulations to District Courts. As of April 23, tabulations for nine projects have been mailed.

The Water Court is continuing to work with District Court judges to provide them with complete and enforceable tabulations of enforcement projects. Based on feedback from judges and water commissioners, the Water Court added a remarks section to the tabulations. This section provides the judges and commissioners with information remarks appearing on water right claim abstracts that affect distribution of water.

### Exempt from filing (SB 355)

The last legislature passed SB 355. This law allows individuals to file on exempt claims. The process at the Court and DNRC became operational on October 1, 2013. As of April 23, 2014, 134 petitions have been received.

### Progress of Adjudication

The Water Court continues to work on initiatives to increase productivity, quality, and responsiveness, and to track our progress in the adjudication. The following chart shows average number of claims closed per month.

